

### REMARKS/ARGUMENTS

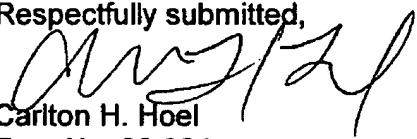
Claims 1-6 are pending in the application with claims 1-2 rejected and claims 3-6 allowed. Reexamination and reconsideration are hereby requested.

Claims 1-2 were rejected as unpatentable over Tucker in view of Smyth ('762) and Akamine. The Examiner pointed to Tucker col.6, ln.49-57 and added Smyth '762 to show modulated noise in a filter (col.9, ln.9-30).

Applicants reply that Tucker Fig.2 and col.6, ln. 49-57 show white noise exciting a linear predictive filter (Spectral shaping 23) but not modulated white noise excitation; but Smyth '762 does not suggest modulation of this noise excitation. Indeed, Smyth '762 inputs DPCM audio and applies filterbank (subband) decomposition into the frequency domain for psychoacoustic bit allocation; and the decoding (e.g., col.12, ln.9-30) is just the usual with predictors from previously decoded samples. Smyth '762 does not relate to the linear prediction of speech with its synthesis filter and filter excitation as in claims 1-2; and Smyth does not suggestion a modulated noise excitation for Tucker.

Consequently, the claims are patentable over the references.

Respectfully submitted,



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